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13 SALES, INC., BANANA REPUBLIC, LLC, AND OLD NAVY,
14 LLC

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 ROOTS READY MADE GARMENTS CO.
19 W.L.L.,

Plaintiff,

20 v.
21 THE GAP, INC., a/k/a, GAP, INC., GAP
22 INTERNATIONAL SALES, INC., BANANA
23 REPUBLIC, LLC, AND OLD NAVY, LLC

Defendants.

Case No. C 07-03363 CRB

**DECLARATION OF DAN JACKSON IN
SUPPORT OF MISCELLANEOUS
ADMINISTRATIVE REQUEST TO FILE
DOCUMENT UNDER SEAL**

Date: August 29, 2008
Time: 10:00 a.m.
Dept: 8
Judge: Honorable Charles R. Breyer

24 Trial Date: October 6, 2008
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1 I, Dan Jackson, declare and state:

2 1. I am an attorney licensed to practice law in the State of California and am an
 3 associate at the law firm of Keker & Van Nest LLP, located at 710 Sansome Street, San
 4 Francisco, California 94111, counsel for defendants The Gap, Inc., a/k/a Gap, Inc., Gap
 5 International Sales, Inc., Banana Republic, LLC, and Old Navy, LLC (collectively "Gap") in the
 6 above-captioned action. I am duly admitted to practice law before this Court.

7 2. I have knowledge of the facts set forth herein, and if called to testify as a witness
 8 thereto, could do so competently under oath.

9 3. I make this declaration pursuant to Civil Local Rule 79-5(c) with respect to
 10 documents that Gap has requested to file under seal in the Miscellaneous Administrative
 11 Request, which addresses, (1) the unredacted version of Defendants Gap International Sales,
 12 Inc., The Gap, Inc., Banana Republic, LLC and Old Navy, LLC's Notice of Motion and Motion
 13 for Summary Judgment; Memorandum of Points and Authorities in Support Thereof ("Gap's
 14 Unredacted MSJ") and (2) [Sealed] **Exhibits 1, 3, 8, 12, 13, 19, 22, 23, 25-29, 36-39** to the
 15 accompanying Declaration of Rebekah Punak ("Punak Decl.").

16 4. [Sealed] **Exhibits 1, 3, 8, 12, 13, 19, 22, 23, 25-29, 36-39** contain non-public
 17 information that has been designated "Confidential" or "Highly Confidential" pursuant to the
 18 parties' stipulated Protective Order. [Sealed] **Exhibits 8 and 36-39** consist of several non-public
 19 documents produced by Gap in this case, including confidential transcripts of depositions of
 20 current and former Gap executives. [Sealed] **Exhibits 1, 3, 12, 13, 19, 22, and 25-29** were
 21 marked "Confidential" by Roots pursuant to the parties' stipulated protective order. [Sealed]
 22 **Exhibit 23** was marked "Confidential" by Gabana pursuant to the parties' stipulated protective
 23 order in the matter of *Gabana Gulf Distrib., LTD v. Gap, Int'l Sales, Inc.*, Case No. C 06 2584
 24 CRB (EDL).

25 5. [Sealed] **Exhibits 8 and 36-39** contain non-public information that has been
 26 designated "Confidential" or "Highly Confidential" by Gap pursuant to the parties' stipulated
 27 Protective Order. These exhibits contain excerpts from the confidential transcripts of the
 28 depositions of current and former Gap executives. These confidential transcripts reflect non-

public information relating to Gap's international franchise and distributor businesses.

6. The Unredacted MSJ contains extensive references that cover information contained in **Exhibits 1, 3, 8, 12, 13, 19, 22, 23, 25-29, 36-39** and is confidential for the reasons stated above.

7. For the foregoing reasons, **Exhibits 1, 3, 8, 12, 13, 19, 22, 23, 25-29, 36-39** to the Punak Declaration and the Unredacted MSJ should be filed under seal.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, and that this declaration was executed on July 25, 2008, at San Francisco, California.

/s/ Dan Jackson
DAN JACKSON